



EL MONTE UNION HIGH SCHOOL DISTRICT
3537 JOHNSON AVENUE
EL MONTE, CA 91731

INSTRUCTION TO BIDDERS

BID No. 2016-17(B3)
GENERAL CONTRACTORS SERVICE
EL MONTE HIGH SCHOOL
BLEACHER PROJECT
(BID PACKET SECTION 00100)

READ THIS ENTIRE DOCUMENT CAREFULLY AND BECOME FAMILIAR WITH ALL INSTRUCTIONS, TERMS AND CONDITIONS AND SPECIFICATIONS BEFORE SUBMITTING A BID. DO NOT ASSUME THAT THIS DOCUMENT IS THE SAME AS OTHER SOLICITATIONS YOU MAY HAVE RECEIVED FROM THIS OFFICE.

1. DEADLINE FOR SUBMISSION OF BIDS

Bid proposals must be sealed and filed with the El Monte Union High School District ("DISTRICT") at its offices located at **1003 Durfee Avenue, El Monte, CA 91733**, on or before 10:00 a.m. Pacific Standard Time on **May 10, 2017** (hereinafter, the "Bid Deadline"). All bids must be received by or before the Bid Deadline, after which bids will be opened and read in Public. The DISTRICT suggests that bids be hand delivered in order to ensure their timely receipt. Bids may be delivered by mail or courier but must be received by the DISTRICT by or prior to the Bid Deadline. Bids postmarked prior to the Bid Deadline but received after the Bid Deadline will not be considered and will be returned to the Bidder unopened. Bids may not be delivered via facsimile or electronic mail. If you submit a bid it shall be incontrovertible evidence that you understand, and intend to comply with all the requirements of this solicitation and contract.

2. BID PREPARATION

All bids must be prepared and submitted using only the forms included in the Bid Packet. Bids prepared on any other forms may be rejected. All forms must be complete, and all information must be typed or printed in ink. ***Bid Submittal Format:***

- a) Submit package in one (1), new white, 2" three (3) ring binder with labeled tabs corresponding to the sections in the bid documents.
- b) One sided-only, double-sided will not be accepted.
- c) Any submissions not in order will be disqualified.

No Staples. Bidders must submit the bid with any and all additional material required by the solicitation in a SEALED ENVELOPE. THE ENVELOPE SHALL BE CLEARLY MARKED IN THE UPPER

LEFT HAND CORNER WITH THE BIDDER'S NAME, THE BID NUMBER, THE BID TITLE, AND THE DATE AND TIME OF THE BID DEADLINE. THE BID TITLE IS: **“El Monte High School – Bleacher Project, Bid No. 2016-17(B3)”**.

Bidders must state numbers in both words and figures where so indicated. If there is a conflict in the words and the figures, the words shall govern. Unit prices, subtotals and grand totals must be shown on the Bidding Sheets where indicated. Prices, wording and notations must be typewritten or printed in ink. Erasures or other changes shall be initialed by the person duly authorized to sign the bid on the Bidder's behalf. The DISTRICT may reject as non-responsive, any bid that it finds to be unintelligible, inconsistent or ambiguous.

3. PROJECT LABOR AGREEMENT – **APPLICABLE FOR THIS PROJECT**

Work performed under the Project shall also be governed by the terms of a Continuity of Work Agreement (commonly referred to in the public works construction arena as a Project Labor Agreement)(hereinafter referred to as the “PLA”). The PLA has been executed by and between the City of El Monte and the Los Angeles and Orange County Building Trades Council and the various trade unions that are signatories to the PLA. The PLA requires, among other things:

- i. the use of union personnel as the primary source of labor for the Project;
- ii. the payment of prevailing wages and other benefits call for under the collective bargaining agreements of signatory unions;
- iii. compliance with worksite labor rules set forth in the PLA and other applicable collective bargaining agreements of the signatory unions;
- iv. compliance with worker grievance and dispute resolution procedures set forth in the PLA and other applicable collective bargaining agreements of the signatory unions;
- v. a duty that the contractor pay into pension funds for the benefit of workers working on the Project, including the limited number of the contractor's own core workers; and
- vi. execution of Letter of Assent wherein the successful bidder agrees to be bound by the terms and conditions of the PLA (the form of the Letter of Assent is included as Attachment A to the PLA).

Bidders are expected to factor-in all direct and indirect costs associated with the application of the PLA to the Project. By submitting a bid, bidders represent that they have reviewed the PLA and have familiarized themselves with its conditions and requirements and in formulating their bids have factored-in all direct and indirect costs attributable or potentially attributable to compliance with the conditions and requirements of the PLA. In the event the PLA calls for the payment of wages rates higher than those set forth under the Labor Code, calls for the payment of benefits not otherwise called for in the Labor Code, calls for worksite management protocols more stringent than those called for under the Labor Code or other applicable laws, the more stringent requirements of the PLA shall be adhered to.

4. EXECUTION OF BIDS

Each bid must give the full business address of the Bidder and must be signed by the Bidder with his or her usual signature.

Bids submitted by partnerships must furnish the full names of all partners and must be signed in the partnership's name by a general partner with authority to bind the partnership in such matters.

Bids submitted by corporations must be signed with the legal name of the corporation followed by the signature and designation of the president, secretary, or other person authorized to bind the corporation in this matter. The name of each person signing shall also be typed or printed below the signature. When requested by the DISTRICT, satisfactory evidence of the authority of the officer signing on behalf of the corporation shall be furnished. A Bidder's failure to properly sign required forms may result in rejection of the bid. Facsimile signatures are not acceptable. Unsigned bids may be returned as non-responsive.

5. BID SECURITY

Bids must be accompanied by a Bidder's bond, cashier's check or certified check for TEN PERCENT (10%) of the amount of the bid. The Bidders bond or certified check shall be made payable to the El Monte Union High School District and shall be given as a guarantee that the Bidder will enter into a written agreement if awarded the contract, and will be declared forfeited, paid to, or retained by the DISTRICT as liquidated damages if the Bidder refuses or neglects to enter into an agreement on the terms of the accepted bid proposal within fourteen (14) calendar days after Bidders notification of DISTRICT's acceptance of the proposal.

6. MODIFICATION OR WITHDRAWAL

Any Bidder who wishes to make modifications to a bid already received by the DISTRICT must withdraw the unmodified bid and resubmit the modified bid by or before the Bid Deadline. A modified bid must be re-submitted in the same form and manner as the original bid. Modified bids that are not resubmitted and received by the DISTRICT prior to the Bid Deadline will be rejected. Requests to modify bids must be made in writing received by the DISTRICT prior to the Bid Deadline. Verbal requests to modify a bid will not be accepted or considered. Written modification requests that are postmarked prior to the Bid Deadline but received by the DISTRICT after the Bid Deadline will not be accepted or considered.

Any bid may be permanently withdrawn, provided that the request to withdraw the bid is made in writing and the written request to withdraw the bid is received by the DISTRICT prior to the Bid Deadline. Verbal withdrawal requests and written withdrawal requests that are postmarked prior to the Bid Deadline but received by the DISTRICT after the Bid Deadline will not be considered or accepted. Bid proposals may not be withdrawn for a period of SIXTY (60) DAYS after the opening bids.

7. EXAMINATION OF CONTRACT DOCUMENTS

All Bidders shall, at their own expense and prior to submitting their bid, examine the Bid Packet; familiarize themselves with all federal, State and local laws, ordinances, rules, regulations and codes affecting the bid. The submission of a bid shall be in controvertible evidence that the Bidder has complied with all the requirements of this provision.

The Bidder is also responsible for knowing and obtaining, if necessary, the prevailing wage rates and other relevant cost factors, all federal, State and local laws, ordinances, rules, regulations, codes, and statutes affecting the services and tasks to be performed, and any permits and licenses required.

8. INFORMATION, CLARIFICATION OF BID DOCUMENTS:

RFI deadline May 1, 2017 not later than 10:00 a.m.

Questions or requests for clarification relative to the bid must be directed to Claudia Sanchez, Director of Purchasing, via email only to claudia.sanchez@emuhsd.org.

If there is any doubt as to the true meaning of any part of the solicitation or contract documents, or if you believe there are any discrepancies in, or omissions from the specifications, submit a request in writing for an interpretation or correction to Claudia Sanchez, Director of Purchasing, via email only. The Bidder submitting this request shall be responsible for its prompt delivery. Such written requests must be received no later than May 1, 2017 by 10:00 a.m. prior to scheduled bid opening.

Any interpretation or correction of the Bid documents will be made only by written addendum issued by the DISTRICT. A copy of such addendum will be posted on the DISTRICT's website.

No person is authorized to make any oral interpretation of any provision in the bid solicitation or any contract documents, nor shall any such oral interpretation be binding on the DISTRICT.

9. AWARD OF CONTRACT

The DISTRICT reserves the right to reject any and all bid proposals to contract work or services with whomever and in whatever manner the DISTRICT decides, and to waive any informality or non-substantive irregularity as the interest of the DISTRICT may require. In the event the DISTRICT elects to award a contract, DISTRICT intends to award such contract to the lowest responsive and responsible bidder based on the Aggregate Sum of the Bid. If two identical low bids are received from responsible Bidders, the DISTRICT will determine which bid will be accepted pursuant to Public Contract Code Section 20117. The DISTRICT reserves the right to accept or reject any and all bids, or any portion or combination thereof, or award on the basis of the total bid. In determining whether a bidder is responsible, the DISTRICT may consider a

range of factors that speak to the bidder's trustworthiness, quality, fitness, capacity and experience, including but not limited to: performance history, experience, insurance capacity, litigation history, criminal history and false claims history.

Each sealed bid shall be required to include five (5) references from at least three (3) school district entities for which the Bidder has provided similar work within the two (2) year period immediately preceding the Bid Deadline. Bidders shall provide the name, business address and phone number for each reference.

10. EXECUTION OF CONTRACT AND CONTRACT DOCUMENTS

The successful Bidder shall within fourteen (14) calendar days of notice of award of the contract, sign and deliver to the DISTRICT the executed agreement that is included in the Bid Packet. In the event the Bidder to whom an award is made fails or refuses to execute the contract within fourteen (14) calendar days from the date of receiving notification that the contract has been awarded to the Bidder, the DISTRICT may declare the Bidder's bid deposit or bond forfeited as damages caused by the failure of the Bidder to enter into the contract, and may award the work to the next lowest responsive and responsible Bidder or may reject all bids and call for new bids.

With fourteen (14) calendar days from the date of receiving notification that the contract has been awarded, the successful Bidder shall also execute all other post-award documents included in the Bid Packet, including, but not limited to, the Performance Bond, the Labor and Materials Bond, the Workers' Compensation Certification; the Criminal Records Check Certification; the Drug-Free Workplace Certification; and the Disabled Veteran Business Enterprise Certification.

11. WORKERS' COMPENSATION

In accordance with the provisions of Section 3700 of the Labor Code, the successful Bidder(s) as contractor shall secure the payment of compensation to all employees. Contractor shall sign and file with DISTRICT the Workers' Compensation after award of Certification that is included as part of the Bid Packet.

12. NON-COLLUSION AFFIDAVIT

A NON-COLLUSION AFFIDAVIT MUST BE EXECUTED AND SUBMITTED WITH THE BID. THE AFFIDAVIT IS INCLUDED AS PART OF THE BID PACKET. FAILURE TO SUBMIT THIS FORM WITH YOUR PROPOSAL WILL RESULT IN THE REJECTION OF THE BID.

13. PROHIBITED INTERESTS

No official of the DISTRICT who is authorized in such capacity and on behalf of the DISTRICT to negotiate, make, accept, or approve, or to take part in negotiating, making, accepting or approving this contract, shall become directly or in directly interested financially in this contract

or in any part thereof. Bidder shall receive no compensation and shall repay the DISTRICT for any compensation received by Bidder hereunder, should Bidder aid, abet or knowingly participate in violation of this article.

14. TIME PERIOD OF PRICE QUOTATION

All prices are to be quoted firm for a period of sixty (60) days from the date for the opening of bids.

If the Bidder becomes liable to the DISTRICT for liquidated damages, the DISTRICT shall, in addition to all other remedies provided by law, have the right to deduct the amount of liquidated damages owed from the contract sum or to deduct the amount of the liquidated damages owed by the Bidder from monies previously retained from the Bidder. If the sum deducted by the DISTRICT is insufficient to discharge the Bidder's liability for liquidated damages, the Bidder and its sureties shall remain liable to the DISTRICT until all such liabilities are fully satisfied.

15. ADDENDA

It shall be the responsibility of each Bidder to inspect the DISTRICT's internet website for any addenda posted by the DISTRICT prior to the bid submission deadline.

16. FORMS TO BE COMPLETED & SUBMITTED WITH BID PROPOSAL.

The following forms which are included as part of this Bid Packet must be completed and fully executed as applicable by each Bidder and submitted with the Bidder's proposal:

- The Bidder's Security as referenced under Section 4 of the Instructions to Bidders;
- The References required under Section 9 of the Instructions to Bidders;
- **Provide your firm's financial statements for prior fiscal year 2015 (per Statement of Qualifications)**
- Statement of Bidders Qualifications (Section 00150);
- Designation of Subcontractors Listing (Section 00160);
- The Bid Form (Section 00200);
- Bid Proposal (Section 00200);
- Non-Collusion Affidavit (Section 00300)

- Site Visitation Certification (Section 00310);
- Prevailing Wage Certification (Section 00400);
- Civil Litigation History/Civil Litigation Certification (Section 00401);
- Criminal Convictions/ Criminal Convictions Certification (Section 00402);
- False Claims/False Claims Act Violations (Section 00403); and
- Bid Protest Form (Section 00404).

END OF DOCUMENT